

**ENTERED**

September 28, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

SHERYL GARNER, *et al.*,

Plaintiffs.

VS.

CITY OF HOUSTON POLICE  
DEPARTMENT, *et al.*,

Defendants.

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CIVIL ACTION NO. 4:22-cv-00633

**ORDER ADOPTING MAGISTRATE JUDGE'S  
MEMORANDUM AND RECOMMENDATION**

On June 14, 2022, Defendants' Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) (Dkt. 12, "Motion to Dismiss") was referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1)(B). *See* Dkt. 16. On September 7, 2022, Defendants' Motion to Strike Plaintiffs' "Response to Motion to Dismiss" (Dkt. 19, "Motion to Strike") was also referred to Judge Edison. Dkt. 20. Judge Edison filed a Memorandum and Recommendation on September 11, 2022, recommending that Defendants' Motion to Dismiss (Dkt. 12) be **GRANTED**, and Defendants' Motion to Strike (Dkt. 19) be **DENIED** as moot. *See* Dkt. 21.

No objections have been filed to the Memorandum and Recommendation. Accordingly, the Court reviews the Memorandum and Recommendation for plain error on the face of the record. 28 U.S.C. § 636(b)(1); *see also* FED. R. CIV. P. 72(b)(3).

Based on the pleadings, the record, and the applicable law, the Court finds that there is no plain error apparent from the face of the record. Accordingly, it is hereby **ORDERED and ADJUDGED** that:

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 21) is **APPROVED and ADOPTED** in its entirety as the holding of the Court; and
- (2) Defendants' Motion to Dismiss (Dkt. 12) is **GRANTED**; and
- (3) Defendants' Motion to Strike (Dkt. 19) is **DENIED** as moot.

It is so **ORDERED**.

SIGNED and ENTERED this 28th day of September 2022.

  
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GEORGE C. HANKS, JR.  
UNITED STATES DISTRICT JUDGE